

Atty Docket: 68,007-033

REMARKS

No new matter is added by this Amendment. The present application is a continuation application claiming priority to U.S. Patent Application Serial No. 10/457,963, filed June 10, 2003. By this amendment claims 20, 22, 27 and 28 have been amended and claim 21 has been cancelled. The claims remaining in consideration are claims 20 and 22-28. Reconsideration is respectfully requested.

The Examiner indicated that claims 22-25 and 27-28 contained allowable subject matter and would be allowable if rewritten in independent form. Claims 22, 27 and 28 have been rewritten to be in independent form. Claims 23-25 are dependent upon allowable claim 22. Applicants respectfully assert that claims 22-25 and 27-28 are allowable.

Claims 20 and 26 were rejected under 35 USC §102(b) as being anticipated by US Patent 5,464,742 issued November 7, 1995 to Michael Swift et al ("Swift"). This rejection is respectfully traversed.

Independent claim 20 has been amended to more clearly identify the subject matter applicants regard as the invention.

Claim 20 sets forth a method includes the steps of "establishing a set of occurrences of a physical event" and "determining a degree of association for each occurrence". The method also includes the step of "identifying a subset of the occurrences having a degree of association less than a predetermined value". Furthermore, "each occurrence includes an associated location, the degrees of association being related to the associated location".

Swift does not include the step of "identifying a subset of the occurrences having a degree of association less than a predetermined value". The Examiner states that Swift meets this step by stating: Swift "discloses step [sic] of determining the presence of said disease within blood relatives of the index individuals and selecting individual and a test individual who has the disease".

However, the Examiner's argument fails for several reasons. First, the Examiner's statement of Swift is related to the selection of individuals and not occurrences of physical events as required by independent claim 20 (some of which have the disease, i.e., the "individual" and the "test individual", and some of which may or may not have the

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disease, i.e., the individual's family). Second, the criteria to select this "group" of individuals is based on the individual and not based on the occurrence of the physical event or associated location, as required by amended, independent claim 20.

Since Swift does not include one or more steps of independent claim 20, the §102(b) rejection of independent claim 20 is improper. Applicants respectfully request that it be withdrawn. Claim 26 is ultimately dependent upon allowable claim 20. Therefore for the reasons set forth above and based on their own merits, applicants respectfully assert that independent claim 20 and claim 26 are allowable over Swift.

Applicants respectfully assert that the present application is now in condition for allowance. An early notice of allowance is solicited. If the Examiner feels that a telephone interview would be appropriate, please contact the undersigned at the number below.

Applicant believes that no fees are due, however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789 in the name of Howard & Howard Attorneys, P.C.

Respectfully submitted,

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